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DOC #:  
DATE FILED: 7/23/10

Buckwald, J

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**RANDY BONITO and BRIAN CESPEDES**  
**on behalf of themselves and all others similarly**  
**situated,**

**Plaintiffs,**

**v.**

**AVALON PARTNERS, INC, and VINCENT AU,**

**Defendants.**


**INDEX NO: 10-CV-3606 (NRB)**

**STIPULATION AND TOLLING  
AGREEMENT**

**TOLLING AGREEMENT AND ORDER REQUESTING EXTENSION OF TIME FOR  
FILING OF DEFENDANTS' RESPONSIVE PLEADING**

1. The parties, by and through their undersigned counsel, have agreed and stipulate to request the Court to extend the time for Defendants to answer, move or otherwise respond in the above-captioned action until Friday, September 10, 2010.

2. The parties, by and through their undersigned counsel, have agreed and stipulate to toll the statute of limitations for the opt-in period for Claims under the Fair Labor Standards Act for those individuals defined in the Amended Complaint to opt-in to this action ("Putative Collective Action Members") from June 8, 2010, until Defendants have submitted their answer to the complaint, move or otherwise respond, and, to the extent Defendants file a motion, until Plaintiffs respond and the Court renders a decision on said motion.

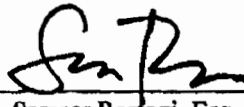
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FLSA Collective Plaintiffs*

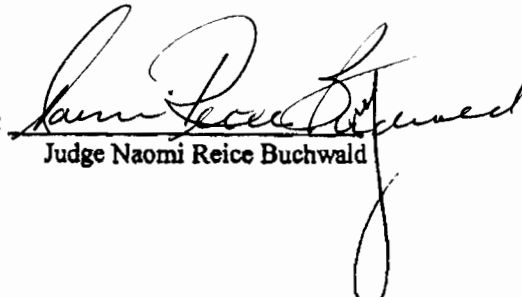
Dated: July 20, 2010

SO ORDERED:

Dated: July 22, 2010  
New York, NY

By:   
Sameer Rastogi, Esq. (SR-5249)  
SICHENZIA ROSS FRIEDMAN FERENCE LLP  
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*Counsel for Defendants,  
Avalon Partner and Vincent Au*

By:   
Judge Naomi Reice Buchwald